

Corporal Wilks has said his parents, Randy and Kathy Wilks, were his heroes. My prayers are with them, as well as his sister Makayla, during this difficult time.

LILLY LEDBETTER FAIR PAY ACT

Mr. SALAZAR. Mr. President, I wish today to strongly support the Lilly Ledbetter Fair Pay Act, which would clarify the laws against pay discrimination. I would like to thank Senator KENNEDY, chairman of the Health, Employment, Labor and Pensions Committee, for his leadership on the bill. He has been a tireless champion for civil rights and I applaud his work.

Mr. President, we as Americans are bound by a powerful idea—a revolutionary idea—that our nation is a work in progress. It is an idea etched in the words of the Constitution: “to form a more perfect union.” It is an idea that has inspired some of our Nation’s greatest achievements—abolishing slavery, banning segregation, and expanding voting rights. It is an idea that brings the best out of our public service.

This week in the Senate we have an opportunity to take another important step along our path of progress—to make our union more perfect.

It is no secret that pay gaps exist in our country. Gender, race, national origin, age, disability, or religion should not have any effect on a worker’s pay. But, sadly, they do. Nationally, women earn 77 cents for every dollar that men earn. In Colorado, women earn 79 cents for every dollar that men earn. The inequities are even clearer when you break the numbers in Colorado down by ethnicity. On average, African-American women earn 61.2 percent of what White men earn. Asian-American women earn 68.4 percent; Hispanic women earn 52.4 percent; and Native American/Alaskan Native women only earn 54.7 percent of what White men earn.

These pay disparities persist partly because women still occupy fewer high-paying jobs than men. But they also persist because of continued pay discrimination in the workplace. We have laws on the books to make pay discrimination illegal, but those laws can be improved.

Lilly Ledbetter’s case is a classic, and tragic, example. Ms. Ledbetter worked for the Goodyear Tire and Rubber Company in Gadsden, AL, for 19 years. She was a manager, a position predominately occupied by men at the company. After early retirement, Ms. Ledbetter learned, from an anonymous note, that male managers at the company were making 20 to 40 percent more than she was making in the same job.

So Ms. Ledbetter took Goodyear to court. The jury found that the company violated her rights under title VII of the Civil Rights Act of 1964. They awarded her back pay and damages.

The Court of Appeals for the Eleventh Circuit, however, reversed the dis-

trict court decision. They said that Ms. Ledbetter filed her case too late. They said she needed to file her complaint within 180 days after the alleged unlawful employment practice occurred.

Rightly, Ms. Ledbetter appealed to the U.S. Supreme Court. In its 5-to-4 decision, the Supreme Court held that the 180-day statute of limitations begins when the original discriminatory act occurs. Whether the worker even knew that the discriminatory decision was made is of no consequence. Whether they were discriminated against for 1 or 20 years is also insignificant under the Court’s majority decision.

It is critical to understand the profound impact of the Court’s decision. If an employee cannot challenge a discriminatory paycheck beyond the 180 days that the employer made the discriminatory decision, companies that discriminate cannot be held accountable for their actions. Six months after a discriminatory action, the bad actor is in the clear. This was certainly not the intent of Congress when it enacted the Civil Rights Act of 1964.

In her dissenting opinion, Justice Ginsburg raised a good question and a matter of common sense. How was Ms. Ledbetter supposed to know, and therefore complain, when she was first given a lower raise than her male counterparts? Goodyear, like many employers, kept salaries and raises confidential.

The Lilly Ledbetter Fair Pay Act would correct this injustice. The bill would amend title VII of the Civil Rights Act of 1964 and other civil rights laws to make clear that the 180-day statute of limitations on a pay discrimination claim, based on gender, race, national origin, religion, age or disability, would restart every time an employee receives any wages or benefits affected by the discriminatory act. This was the law of the land for decades, with the exception of three States, until the U.S. Supreme Court decision, *Ledbetter v. Goodyear*.

The Lilly Ledbetter Fair Pay Act should receive the unanimous support of this body. We should all agree on the principle of ‘equal pay for equal work.’ We should all agree that pay discrimination has no place in a 21st century America. And we should all agree that when there is a clear problem with the existing law, we should correct it.

We have come a long way over the last 2½ centuries toward opening the doors of opportunity to every American. But ours is a nation still in progress, and our Union can still be perfected.

I urge my colleagues to support this bill.

Ms. SNOWE. Mr. President, I rise today to speak in strong support of the Fair Pay Restoration Act, S. 1843,—and I am proud to be an original cosponsor of this bipartisan measure, introduced by Senator KENNEDY and supported by 40 of my colleagues in the Senate. This bill would rightly provide victims of workplace gender discrimination with the reasonable timeframe they deserve

to file discrimination suits under Federal law—while restoring longstanding precedent that was regrettably reversed by the U.S. Supreme Court last year.

I firmly believe that America should be a global leader on issues related to gender discrimination and equal pay, but with its decision in *Ledbetter v. Goodyear Tire & Rubber Co.*, the Supreme Court telegraphed entirely the wrong message to the rest of the world about the value of equal pay for equal work—and ignored the realities of pay discrimination. Furthermore, with the economy in crisis, gas prices sky-high, and housing values falling, it is all the more critical we not lose vital ground on fair pay.

It is no secret that women play a substantial leadership role in our Nation—we are business leaders, entrepreneurs, politicians, mothers, and much more. But regrettably, wage discrimination still exists and has remained constant for many years. In 1963, the year of the Equal Pay Act’s passage, full-time working women were paid 59 cents on average to the dollar received by men. In 2004, more than 40 years later, women were only paid 77 cents for every dollar earned by men.

What is even more troubling is that, according to a National Academy of Sciences report, between one-third and one-half of the wage disparities between men and women cannot adequately be explained by differences in experience, education, or other legitimate qualifications. And notably, this wage discrimination exists despite the passage of the Equal Pay Act that made it illegal to pay women less than men for performing equal work.

Wage discrimination also continues to exist despite the 1964 Civil Rights Act, which outlawed discrimination in employment and wages on the basis of sex, race, color, religion, and national origin. This pernicious injustice continues despite Congress passing the 1991 Civil Rights Act, which I strongly supported, along with most of my colleagues on both sides of the political aisle.

As a former cochair of the Congressional Caucus for Women’s Issues, I have been a longtime advocate in the pay equity debate. As some of my colleagues may remember, in 1984, Representative Claudine Schneider, R-RI, Representative Nancy Johnson R-CT, and I wrote to the Reagan administration asking that it prevent the Justice Department from weighing in against *AFSCME v. Washington*, which supported the concept of pay equity. And as a Member of the House of Representatives, I repeatedly introduced bipartisan resolutions that would have established a commission to study compensation practices in Congress from 1984 to 1993. It is therefore simply unconscionable to imagine that in this day and age, wage-setting practices are still being affected by historical gender biases resulting in the undervaluation of work and low pay for women.

Sadly, the Supreme Court's decision in *Ledbetter* will make it virtually impossible for women workers to close the wage gap and to receive the remedies they deserve when they are discriminated against. This decision represents an enormous step backward for women and for any person alleging pay discrimination.

Lilly Ledbetter's story poignantly coupled with this unfortunate ruling reminds us that wage discrimination persists across our Nation. It is therefore long past time we reversed the Supreme Court's decision in *Ledbetter* and clarified that laws against pay discrimination apply to every paycheck or other compensation a worker receives. And Senator KENNEDY's Fair Pay Restoration Act would reestablish a fair rule for filing claims of pay discrimination based on race, national origin, gender, religion, age or disability.

This bipartisan measure would also impose a reasonable time limit for filing pay discrimination claims and would start the clock for filing pay discrimination claims when compensation is received, rather than when the employer decides to discriminate. Each discriminatory paycheck would restart the clock for filing a pay discrimination claim and as long as workers file their claims within 180 days of a discriminatory paycheck, their charges will be considered timely. This measure would restore the precedent applied by nine courts of appeals and the Equal Employment Opportunity Commission in pay discrimination cases until the Supreme Court's May 29, 2007. It would also maintain the current limits on the amount employers owe.

The bill would also restore congressional intent, by mirroring language prohibiting discriminatory seniority systems, which was included in the landmark Civil Rights Act of 1991. The bill was signed by President George H. W. Bush in 1991, and I was pleased to support this measure which passed with overwhelmingly bipartisan support.

Some contend this bill would "exacerbate the existing heavy burden on the courts by encouraging the filing of stale claims" . . . that it would allow employees to bring a claim of pay or other employment-related discrimination years or even decades after the alleged discrimination occurred. That is simply an exaggeration. The fact is—employers would not have to adjust for salary differences that occurred decades ago. Current law limits back pay awards to 2 years before the worker filed a job discrimination claim under title VII of the Civil Rights Act of 1964, and this bill would not change this 2-year limit on back pay.

I cannot overstate my support for the Fair Pay Restoration Act, and I encourage my colleagues in the Senate to vote for this legislation tomorrow to ensure equal pay for women and minorities in the workforce. Discrimination of any kind in the workplace should not be tolerated. It is time the law reflected that.

Thank you, Mr. President, I request unanimous consent that a copy of my

remarks be included in the CONGRESSIONAL RECORD.

ADDITIONAL STATEMENTS

HONORING RETIRED MAJOR D. BROCK FOSTER

• Mr. BROWN. Mr. President, I wish to honor the service of a great American—U.S. Air Force retired MAJ D. Brock Foster.

A native of Ohio who served his country in World War II, Korea, and Vietnam, Major Foster demonstrated uncommon courage while flying as an A-1 Skyraider during a rescue mission near the Ho Chi Minh Trail on June 28, 1968. At great risk to his personal safety, Major Foster remained in the rescue area amid heavy antiaircraft artillery and enemy fire to make repeated passes to protect the rescue helicopter. Major Foster's selfless heroism enabled the successful rescue of the Navy pilot who had been encircled by hostile forces for more than 39 hours.

Nearly 40 years later, Major Foster is receiving long overdue recognition for his sacrifice and valor and will be awarded the Distinguished Flying Cross. Given to those who distinguish themselves in aerial flight by taking heroic actions above and beyond the call of duty, the Distinguished Flying Cross is a fitting recognition of Major Foster's unwavering dedication to the service of the United States.

I am proud to honor this great Ohioan. His heroic actions and dedication to the U.S. Air Force and his fellow servicemen are an inspiration to all Americans.●

WORKER EDUCATION

• Mr. SMITH. Mr. President, today I highlight the importance of acknowledging and celebrating extraordinary efforts by Americans who have led the way in protecting and preserving America's natural resources. I am honored to congratulate three educational institutions in my State of Oregon, Columbia Gorge Community College, Lane Community College and the Oregon Institute of Technology.

Recently, Columbia Gorge Community College received \$1.6 million to support the college's community-based job training program to develop skilled technicians for renewable energy facilities such as wind, solar, hydropower and biofuels production. The funding is part of the Department of Labor's Community-Based Job Training Grant Initiative to help community colleges provide area students and workers with the skills needed to stay competitive in up-and-coming industries. The program is the only one of its kind on the west coast. Just in the Pacific Northwest, developers of wind energy facilities will need 300-500 additional workers in the next decade. Since the fall of 2007, Columbia Gorge Community College has offered a 1-year Certificate and a 2-year Associate of Applied Science Degree in Renewable Energy Technology.

Lane Community College in Eugene, OR was recently commended for their certificate and 2-year degree programs which train students in energy management and renewable energy. Graduates of the program are in high demand by renewable energy companies. Lane Community College is quickly gaining recognition as a national leader in sustainability and has won five awards in the past 2 years, including the Campus Sustainability Leadership Award from the Association for the Advancement of Sustainability in Higher Education, and the Outstanding College Recycling Program Award from the National Recycling Coalition.

The Oregon Institute of Technology, OIT, also has earned distinction for offering the Nation's first 4-year undergraduate degree program in renewable energy. The Institute is on track to graduate the first class of students this year. Graduating students can seek employment in variety of fields including design, engineering, installation, auditing and programming within the renewable energy sector. Additionally, OIT is working to become the only college campus in the world to be completely powered by geothermal energy.

I believe that we have a responsibility to encourage efforts to increase the availability of renewable energy and conserve our natural resources. Oregon continues to build on a long history of innovation in environmental policy and practice. These community colleges are leading the way in educating these workers and providing highly skilled workers to the rapidly expanding renewable energy sector in our State and the Nation. I commend them for their efforts and pledge my full support as they move forward.●

COMMENDING WAUKESHA HOME DESIGN CENTER

• Ms SNOWE. Mr. President, this week is National Small Business Week, a time to celebrate the critical role small businesses play in powering our economy. Indeed, as ranking member of the U.S. Senate Committee on Small Business and Entrepreneurship, I am constantly reminded of how crucial small businesses are to maintaining our economic vitality. Nationally, small firms represent 99.7 percent of all businesses and have generated 60 to 80 percent of net new jobs over the past decade. On occasion, one of these small businesses goes above and beyond the call of social responsibility with an act of true thoughtfulness and generosity. Michael Costigan and the employees of the Waukesha Home Design Center in southeastern Wisconsin recently answered this call to action and made a difference in their community.

The story begins several weeks ago, when a selfish individual posing as a worker stole a television from the Zablocki Veterans Affairs Medical Center in Milwaukee, WI. This was a cowardly